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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,832	02/09/2004	Douglas L. Sevey	826.001	9783

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EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,832	Applicant(s) SEVEY, DOUGLAS L.	
	Examiner Alicia M. Torres	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 13, 14, 20, 22, 28, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 13, 14, 20, 22, 28, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 3-11, 21, 23, 26, 27 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 30 is objected to because of the following informalities: there is lack of antecedeny basis for “the brace”;
“system for system” is unclear. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 13, 14, 20, 22, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawrence 2,603,249.
4. Regarding claims 2 and 20, Lawrence discloses a system for mounting an accessory to a vehicle comprising:
 - A linkage including a pair of vertically spaced members (30, 32) defining an inner (at 26) and outer (at 28) end
 - A vertical pivot member (50) mounted between the outer ends (at 28)
 - An accessory (54) interconnected with the vertical pivot member (50) so as to be suspended from the ground and supported solely by the system when operating and movable about a vertical axis defined by the vertical pivot member (50)

Art Unit: 3671

- A linkage mounting arrangement (20, 22) interposed between the inner ends (at 26) of the link members (30, 32) defining a horizontal axis pivot of which each inner end (at 26) is secured
- A manually operated handle (34) for raising and lowering the link about the horizontal axis (see column 4, lines 4-9)
- Wherein pivoting movement of the link members (30, 32) vertically adjusts the height of the accessory (54) above the ground
- A vertical axis pivot (12) to which the inner ends (at 26) are secured, wherein the vertical axis pivot (12) provides pivoting movement of the link members (30, 32) about a second vertical axis spaced inwardly from the first-mentioned vertical pivot axis (50).

5. Regarding claims 13, 14, 22, 28 and 30 Lawrence discloses a system for mounting an accessory to a vehicle comprising:

- A linkage including
 - A first link member (30)
 - A second link member (32)
- A linkage mounting arrangement interconnected with the vehicle (10) and the inner ends (at 26) of the link members (30, 32), the arrangement defining:
 - A first pivot member (12) defining first, vertical pivot axis
 - A second pivot member (26) defining a second, horizontal pivot axis (see column 4, lines 4-9)

Art Unit: 3671

- A vertical accessory mounting member (48) interconnecting the outer ends (at 28) of the link members (30, 32) through an accessory mounting arrangement (50) defining a third, vertical pivot axis
- An accessory (54) mounted to the accessory mounting member (50) for connection to the vehicle (10)
- A biasing member (42) interconnected between the linkage mounting arrangement (26) and one of the link members (32) for resiliently biasing the linkage (30, 32) toward a raised position about the second axis (where 30, 32 connect to 26)
- Wherein the inner ends of the links (30, 32) are connected to first and second pivot plates (sides of 26) wherein vertically aligned pivot pins (unnumbered, see Figure 5) define the second axis and extend through openings in the pivot plates (sides of 26)
- A manually operated handle (34) that can be raised and lowered to pivot the link members (30, 32) about the horizontal axis (where 30, 32 meet 26)
- A brace member (48) supporting the accessory (54) on the vertical pivot member (50) so the accessory (54) is suspended from the ground in the operative position.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3671

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence in view of Samejima et al. 6,516,597.

The device is disclosed as applied above. However, Lawrence fails to disclose wherein the biasing member is a gas spring cylinder.

Samejima discloses a similar vehicle and accessory combination wherein the biasing mechanism is a gas spring cylinder (49).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the cylinder of Samejima on the system of Lawrence in order to provide a controllable biasing mechanism.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

9. Claims 3-11, 21, 23, 26, 27, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

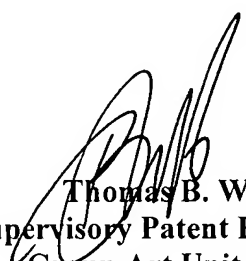
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

Art Unit: 3671

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
August 1, 2006